International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Ninety-sixth session
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Item 4 of the provisional agenda
Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

List of themes in relation to the combined fourteenth to seventeenth periodic reports of China (including Hong Kong, China, and Macao, China)

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Legal, institutional and public policy framework for combating racial discrimination (arts. 2 to 7)

2. Efforts in China and Macao, China, to establish national human rights institutions that are fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to render the Equal Opportunities Commission in Hong Kong, China, compliant with the Paris Principles (CERD/C/CHN-HKG/14-17, paras. 6.1–6.5).

3. Statistics, disaggregated by national origin and ethnicity of the complainant, indicating the number, type and outcome of racial discrimination-related administrative and civil complaints submitted to the Equal Opportunities Commission in Hong Kong, China, courts, and other relevant bodies (CERD/C/CHN-HKG/14-17, paras. 6.1–6.6; CERD/C/CHN-MAC/14-17, paras. 127–131).

4. Information on collaboration with non-governmental organizations (NGOs) fighting against racial discrimination, and on the new law on the management of foreign NGOs of China, which entered into force in 2017.

5. Examples of court cases and administrative decisions citing the Convention (CERD/C/CHN-MAC/14-17, paras. 128–29).

6. Concrete measures taken to strengthen the independence of the judiciary.

7. Content of provisions of domestic legislation comprehensively defining racial discrimination in line with article 1 of the Convention, and any plans on drafting an anti-discrimination law.

8. Content of provisions of legislation criminalizing acts in conformity with article 4 of the Convention (CERD/C/CHN/CO/10-13, paras. 10–11; CERD/C/CHN/14-17, paras. 7, 10–11, 15 and 50–52; CERD/C/CHN-HKG/14-17, paras. 1.3–1.4 and 4.1–4.3; CERD/C/CHN-MAC/14-17, paras. 18–19).

9. Statistics on, and examples of, criminal complaints, investigations, prosecutions, sentences, convictions, sanctions and remedies for acts of racial discrimination, including racist hate speech, and other racist hate crimes. Measures taken to support victims of hate crimes in reporting such crimes (CERD/C/CHN/CO/10-13, para. 26; CERD/C/CHN/14-17, para. 107; CERD/C/CHN-MAC/14-17, para. 87).

10. Updated statistics on activities, indicators, evaluation and results (pertaining to measures to combat racial discrimination and improve the situation of ethnic minorities) of the recent national human rights action plans; the programme for revitalizing border areas and enriching the lives of local residents for the period 2011–2015; the 12th and 13th five-year plans for national economic and social development for the periods 2011–2015 and 2016–2020; and the plan for supporting the development of small ethnic groups for the period 2011–2015 (CERD/C/CHN/CO/10-13, para. 12; CERD/C/CHN/14-17, paras. 12 and 63 and annexes 5, 6 and 7; CERD/C/CHN/CO/10-13/Add.1, pp. 2–3).

Situation of racial and ethnic minorities in China, Hong Kong, China and Macao, China (arts. 2–7)

11. Recent statistics, disaggregated by ethnicity and sex, on the enjoyment of economic, social and cultural rights, including access to primary, secondary and tertiary education, food, housing, social security and health-care services, and on employment, unemployment and activity rates (CERD/C/CHN/CO/10-13, paras. 9 and 21–24; CERD/C/CHN/14-17, paras. 6, 33 and 83–88 and annexes 2 and 10; CERD/C/CHN-HKG/14-17, paras. 5.28–5.72; CERD/C/CHN-MAC/14-17, paras. 88–125).

12. Statistics on poverty rates, disaggregated by ethnicity, and information on the benchmark used to determine poverty. Measures taken to address the disparity in poverty rates between residents of eastern China and ethnic minorities overall (CERD/C/CHN/14-17, para. 28; CERD/C/CHN-HKG/14-17, para. 5.57). Specific information on poverty rates and on poverty alleviation programmes for Tibetans and Uighurs.

13. Information and statistics on policies and incentives relating to non-voluntary relocation and resettlement, interregional transfer of workers, population control and inter-ethnic marriage, and historical data regarding the demographic changes in the autonomous regions and other ethnic minority areas (CERD/C/CHN/CO/10-13, para. 13; CERD/C/CHN/14-17, para. 63 and annex 9).

14. Information and statistics on land expropriation measures affecting ethnic minorities and on related compensation paid; information on any mechanisms available for contesting the non-payment or underpayment of compensation.

15. Progress in implementing reforms to the national household registration system (*hukou*); efforts to ensure that internal migrants, in particular members of ethnic minorities, have access, on an equal footing with long-time urban residents, to adequate housing, employment, social security, health care and education, and are not subjected to forced evictions (CERD/C/CHN/CO/10-13, para. 14; CERD/C/CHN/14-17, para. 13).

16. Statistics, disaggregated by ethnic group, on the population of detention centres, prisons and mental institutions, and on individuals who died while either incarcerated or in police custody.

17. Results of legislation and policies aimed at: improving the quality of education; providing bilingual education in ethnic minority areas; improving conditions in State-run boarding schools in those areas; improving literacy rates in ethnic minority areas; and

ensuring access to education for ethnic minority children (CERD/C/CHN/CO/10-13, paras. 22–23; CERD/C/CHN/14-17, paras. 71–76 and annexes 5 and 10).

18. Content and implementation of legislative prohibitions on racial discrimination in employment and statistics on related procedures and sanctions. Efforts to increase employment opportunities for members of ethnic minorities, and their outcomes (CERD/C/CHN/CO/10-13, para. 25; CERD/C/CHN/14-17, paras. 78–81; CERD/C/CHN-HKG/14-17, paras. 5.44–5.48 and 7.3–7.4).

19. Measures to provide equal access to affordable and adequate health care, regardless of ethnicity and geographical location, and their results (CERD/C/CHN/CO/10-13, para. 24; CERD/C/CHN/14-17, paras. 33, 48 and 83–88; CERD/C/CHN-HKG/14-17, para. 5.60; CERD/C/CHN-MAC/14-17, paras. 101–103).

20. Updated statistics, disaggregated by sex, on the representation of ethnic minorities in the police, military, judiciary, prosecution service and civil service and decision-making political positions, with an indication of the level of representation in higher-level positions. Measures taken to ensure fair and adequate participation of all minority groups in public service and political life (CERD/C/CHN/CO/10-13, paras. 17–18; CERD/C/CHN/14-17, paras. 56–62; CERD/C/CHN-HKG/14-17, paras. 5.13–5.18; CERD/C/CHN-MAC/14-17, paras. 73–76).

21. Information and statistics, disaggregated by ethnicity, on criminal charges and convictions for suspected involvement in extremism or terrorist activity. Counter-extremism regulations and practices in Xinjiang Uighur Autonomous Region, and the grounds under which they permit detention in counter-extremism training centres and education and transformation training centres; specific information on the nature of these centres and the activities conducted therein.

22. Measures taken to monitor, prevent and address ethnic profiling and ill-treatment by law enforcement agents, including in the multi-ethnic provinces and regions. Statistics, disaggregated by ethnicity of the accused, on criminal charges for separatism and espionage (CERD/C/CHN/14-17, para. 54).

23. Protection of the civil and political rights of ethnic Tibetans, Mongolians and Uighurs, especially protection from discrimination and torture, including data on investigations carried out, and respect for the freedoms of expression, peaceful assembly, association, religion or belief and movement, including steps that the Government is taking to guarantee freedom of movement (CERD/C/CHN/CO/10-13, para. 17; CERD/C/CHN/14-17, paras. 53 and 59).

24. Measures taken to ensure that lawyers, human rights defenders and journalists can freely exercise their profession, in law and in practice; amendments to laws and regulations that are inconsistent with the Lawyers' Law and international standards (CERD/C/CHN/CO/10-13, para. 19; CERD/C/CHN/14-17, paras. 105–106; CERD/C/CHN/CO/10-13/Add.1, pp. 6–7).

25. Measures taken to prevent and address racial bias, colourism and ethnic stereotypes in the media.

26. Efforts to combat prejudice, stereotypes and racial discrimination by State and non-State actors against persons with dark skin, including those of African and South Asian descent, and to promote tolerance.

27. Measures taken to ensure that ethnic minorities enjoy freedom of religion on an equal footing with the rest of the population; information on the impact on religious minorities of the recently revised regulations on religious affairs (CERD/C/CHN/CO/10-13, para. 20; CERD/C/CHN/14-17, paras. 89–96; CERD/C/CHN-HKG/14-17, para. 5.24; CERD/C/CHN-MAC/14-17, paras. 18–19 and 28–32).

28. Updated statistics on progress in sustainably developing the eight multi-ethnic provinces and regions, and in eliminating interregional economic and social disparities (CERD/C/CHN/CO/10-13, para. 21; CERD/C/CHN/14-17, paras. 9 and 17–48 and annex 5).

29. Measures taken to promote and respect local and regional languages, cultures and traditions (CERD/C/CHN/CO/10-13, para. 21; CERD/C/CHN/14-17, paras. 39–45 and 64–70; CERD/C/CHN-HKG/14-17, paras. 7.2 and 7.13–7.14; CERD/C/CHN-MAC/14-17, paras. 124–125).

Situation of non-citizens, including migrant workers, asylum seekers and refugees (arts. 5–7)

30. Updated statistics available on non-nationals, disaggregated by national origin, in China, Hong Kong, China, and Macao, China.

31. Updated information on anti-trafficking legislation, and statistics on complaints, investigations, prosecutions, convictions, sanctions and remedies for human trafficking; statistics indicating the ethnicity/nationality of victims of trafficking in China, Hong Kong, China, and Macao, China (CERD/C/CHN/CO/10-13, para. 32; CERD/C/CHN-MAC/14-17, paras. 61–72).

32. Legislative protection and procedures for refugees and asylum seekers; availability of appropriate information, interpretation, legal and humanitarian assistance and judicial remedies to asylum seekers in China, Hong Kong, China, and Macao, China (CERD/C/CHN/CO/10-13, paras. 16 and 29; CERD/C/CHN-HKG/14-17, paras. 2.24–2.34 and 5.8 and annex, p. 6; CERD/C/CHN-MAC/14-17, paras. 34–36 and 52–53).

33. Updated statistics on non-refoulement claims filed, granted and pending processing in China, Hong Kong, China, and Macao, China (CERD/C/CHN-HKG/14-17, paras. 2.27–2.34).

34. Statistics, disaggregated by ethnicity, on stateless persons in China, Hong Kong, China, and Macao, China. Information on availability of residency cards for children of refugees. Measures taken by Hong Kong, China, to address the situation of stateless children of asylum seekers.

35. Specific information on monitoring and regulation procedures for recruitment agencies employing migrant workers and recruiting domestic workers for employment abroad.

36. Information on complaint mechanisms available to migrant workers; statistics on investigations, prosecutions and sanctions for non-payment of wages and other forms of labour exploitation and abuse of foreign migrant workers in China, Hong Kong, China, and Macao, China.

37. Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105) and the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.

Issues specific to Hong Kong, China, and Macao, China

38. Efforts to amend the Race Discrimination Ordinance of Hong Kong, China, to include all government functions and powers in the scope of its application, and to include indirect discrimination with regard to language, immigration status and nationality among the prohibited grounds of discrimination (CERD/C/CHN/CO/10-13, paras. 27–28; CERD/C/HKG/14-17, paras. 1.1–1.5 and 2.3–2.8).

39. Measures taken to combat discrimination against migrant domestic workers, improve their working conditions, and repeal the "two-weeks rule", the live-in requirement and the exclusion from the Minimum Wage Ordinance (CERD/C/CHN/CO/10-13, para. 30; CERD/C/HKG/14-17, paras. 2.21–2.23, 5.28–5.36 and 5.54–5.60; CERD/C/CHN/CO/10-13/Add.1, pp. 7–12).

40. Progress regarding the "Chinese Language Curriculum Second Language Learning Framework" in Hong Kong, China; efforts to integrate students of ethnic minorities into public schools (CERD/C/CHN/CO/10-13, para. 31; CERD/C/CHN-HKG/14-17, para. 5.66).

41. Concrete results of efforts to combat discrimination against ethnic minorities in law enforcement, employment and education, including access to free primary education for children of migrants in Hong Kong, China, and Macao, China (CERD/C/CHN-HKG/14-17, paras. 2.7, 2.16–2.19 and 5.11–5.12).

42. Plans to extend public social welfare benefits to all workers in Macao, China, including migrant workers (CERD/C/CHN/CO/10-13, para. 33; CERD/C/CHN-MAC/14-17, paras. 111–113).

Other concerns

43. Extent and impact of human rights and anti-racial discrimination training programmes provided to law enforcement officers and judicial officials, including judges, prosecutors, police and security and military personnel (CERD/C/CHN/14-17, para. 110; CERD/C/CHN-HKG/14-17, para. 2.19; CERD/C/CHN-MAC/14-17, paras. 54 and 58).

44. Concrete information on human rights training and education programmes implemented to foster intercultural dialogue, tolerance and understanding; detailed information on any such programmes being run at the community level to raise awareness of racism in its various forms, and the prohibition of racial discrimination (CERD/C/CHN/14-17, paras. 110–111; CERD/C/CHN-HKG/14-17, paras. 2.5, 2.17–2.19, 5.53, 5.59, 7.1–7.2 and 7.5–7.17; CERD/C/CHN-MAC/14-17, paras. 132–37).